

SECOND REGULAR SESSION

SENATE BILL NO. 757

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3316S.02I

AN ACT

To repeal sections 105.955, 105.957, 478.010 and 478.320, RSMo, and to enact in lieu thereof five new sections relating to nonpartisan judicial elections, with an effective date for certain sections and penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 105.955, 105.957, 478.010 and 478.320, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections
3 105.955, 105.957, 478.010, 478.011, and 478.320, to read as follows:

105.955. 1. A bipartisan "Missouri Ethics Commission", composed of six
2 members, is hereby established. The commission shall be assigned to the office
3 of administration with supervision by the office of administration only for
4 budgeting and reporting as provided by subdivisions (4) and (5) of subsection 6
5 of section 1 of the Reorganization Act of 1974. Supervision by the office of
6 administration shall not extend to matters relating to policies, regulative
7 functions or appeals from decisions of the commission, and the commissioner of
8 administration, any employee of the office of administration, or the governor,
9 either directly or indirectly, shall not participate or interfere with the activities
10 of the commission in any manner not specifically provided by law and shall not
11 in any manner interfere with the budget request of or withhold any moneys
12 appropriated to the commission by the general assembly. All members of the
13 commission shall be appointed by the governor with the advice and consent of the
14 senate from lists submitted pursuant to this section. Each congressional district
15 committee of the political parties having the two highest number of votes cast for
16 their candidate for governor at the last gubernatorial election shall submit two
17 names of eligible nominees for membership on the commission to the governor,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 and the governor shall select six members from such nominees to serve on the
19 commission.

20 2. Within thirty days of submission of the person's name to the governor
21 as provided in subsection 1 of this section, and in order to be an eligible nominee
22 for appointment to the commission, a person shall file a financial interest
23 statement in the manner provided by section 105.485 and shall provide the
24 governor, the president pro tempore of the senate, and the commission with a list
25 of all political contributions and the name of the candidate or committee, political
26 party, or continuing committee, as defined in chapter 130, RSMo, to which those
27 contributions were made within the four-year period prior to such appointment,
28 made by the nominee, the nominee's spouse, or any business entity in which the
29 nominee has a substantial interest. The information shall be maintained by the
30 commission and available for public inspection during the period of time during
31 which the appointee is a member of the commission. In order to be an eligible
32 nominee for membership on the commission, a person shall be a citizen and a
33 resident of the state and shall have been a registered voter in the state for a
34 period of at least five years preceding the person's appointment.

35 3. The term of each member shall be for four years, except that of the
36 members first appointed, the governor shall select three members from
37 even-numbered congressional districts and three members from odd-numbered
38 districts. Not more than three members of the commission shall be members of
39 the same political party, nor shall more than one member be from any one United
40 States congressional district. Not more than two members appointed from the
41 even-numbered congressional districts shall be members of the same political
42 party, and no more than two members from the odd-numbered congressional
43 districts shall be members of the same political party. Of the members first
44 appointed, the terms of the members appointed from the odd-numbered
45 congressional districts shall expire on March 15, 1994, and the terms of the
46 members appointed from the even-numbered congressional districts shall expire
47 on March 15, 1996. Thereafter all successor members of the commission shall be
48 appointed for four-year terms. Terms of successor members of the commission
49 shall expire on March fifteenth of the fourth year of their term. No member of
50 the commission shall serve on the commission after the expiration of the
51 member's term. No person shall be appointed to more than one full four-year
52 term on the commission.

53 4. Vacancies or expired terms on the commission shall be filled in the

54 same manner as the original appointment was made, except as provided in this
55 subsection. Within thirty days of the vacancy or ninety days before the expiration
56 of the term, the names of two eligible nominees for membership on the
57 commission shall be submitted to the governor by the congressional district
58 committees of the political party or parties of the vacating member or members,
59 from the even- or odd-numbered congressional districts, based on the residence
60 of the vacating member or members, other than from the congressional district
61 committees from districts then represented on the commission and from the same
62 congressional district party committee or committees which originally appointed
63 the member or members whose positions are vacated. Appointments to fill
64 vacancies or expired terms shall be made within forty-five days after the deadline
65 for submission of names by the congressional district committees, and shall be
66 subject to the same qualifications for appointment and eligibility as is provided
67 in subsections 2 and 3 of this section. Appointments to fill vacancies for
68 unexpired terms shall be for the remainder of the unexpired term of the member
69 whom the appointee succeeds, and such appointees shall be eligible for
70 appointment to one full four-year term. If the congressional district committee
71 does not submit the required two nominees within the thirty days or if the
72 congressional district committee does not submit the two nominees within an
73 additional thirty days after receiving notice from the governor to submit the
74 nominees, then the governor may appoint a person or persons who shall be
75 subject to the same qualifications for appointment and eligibility as provided in
76 subsections 2 and 3 of this section.

77 5. The governor, with the advice and consent of the senate, may remove
78 any member only for substantial neglect of duty, inability to discharge the powers
79 and duties of office, gross misconduct or conviction of a felony or a crime involving
80 moral turpitude. Members of the commission also may be removed from office by
81 concurrent resolution of the general assembly signed by the governor. If such
82 resolution receives the vote of two-thirds or more of the membership of both
83 houses of the general assembly, the signature of the governor shall not be
84 necessary to effect removal. The office of any member of the commission who
85 moves from the congressional district from which the member was appointed shall
86 be deemed vacated upon such change of residence.

87 6. The commission shall elect biennially one of its members as the
88 chairman. The chairman may not succeed himself or herself after two years. No
89 member of the commission shall succeed as chairman any member of the same

90 political party as himself or herself. At least four members are necessary to
91 constitute a quorum, and at least four affirmative votes shall be required for any
92 action or recommendation of the commission.

93 7. No member or employee of the commission, during the person's term
94 of service, shall hold or be a candidate for any other public office.

95 8. In the event that a retired judge is appointed as a member of the
96 commission, the judge shall not serve as a special investigator while serving as
97 a member of the commission.

98 9. No member of the commission shall, during the member's term of
99 service or within one year thereafter:

100 (1) Be employed by the state or any political subdivision of the state;

101 (2) Be employed as a lobbyist;

102 (3) Serve on any other governmental board or commission;

103 (4) Be an officer of any political party or political organization;

104 (5) Permit the person's name to be used, or make contributions, in support
105 of or in opposition to any candidate or proposition;

106 (6) Participate in any way in any election campaign; except that a member
107 or employee of the commission shall retain the right to register and vote in any
108 election, to express the person's opinion privately on political subjects or
109 candidates, to participate in the activities of a civic, community, social, labor or
110 professional organization and to be a member of a political party.

111 10. Each member of the commission shall receive, as full compensation for
112 the member's services, the sum of one hundred dollars per day for each full day
113 actually spent on work of the commission, and the member's actual and necessary
114 expenses incurred in the performance of the member's official duties.

115 11. The commission shall appoint an executive director who shall serve
116 subject to the supervision of and at the pleasure of the commission, but in no
117 event for more than six years. The executive director shall be responsible for the
118 administrative operations of the commission and perform such other duties as
119 may be delegated or assigned to the director by law or by rule of the
120 commission. The executive director shall employ staff and retain such contract
121 services as the director deems necessary, within the limits authorized by
122 appropriations by the general assembly.

123 12. Beginning on January 1, 1993, all lobbyist registration and
124 expenditure reports filed pursuant to section 105.473, financial interest
125 statements filed pursuant to subdivision (1) of section 105.489, and campaign

126 finance disclosure reports filed other than with election authorities or local
127 election authorities as provided by section 130.026, RSMo, shall be filed with the
128 commission.

129 13. Within sixty days of the initial meeting of the first commission
130 appointed, the commission shall obtain from the clerk of the supreme court or the
131 state courts administrator a list of retired appellate and circuit court judges who
132 did not leave the judiciary as a result of being defeated in an election. The
133 executive director shall determine those judges who indicate their desire to serve
134 as special investigators and to investigate any and all complaints referred to
135 them by the commission. The executive director shall maintain an updated list
136 of those judges qualified and available for appointment to serve as special
137 investigators. Such list shall be updated at least annually. The commission shall
138 refer complaints to such special investigators on that list on a rotating schedule
139 which ensures a random assignment of each special investigator. Each special
140 investigator shall receive only one unrelated investigation at a time and shall not
141 be assigned to a second or subsequent investigation until all other eligible
142 investigators on the list have been assigned to an investigation. In the event that
143 no special investigator is qualified or available to conduct a particular
144 investigation, the commission may appoint a special investigator to conduct such
145 particular investigation.

146 14. The commission shall have the following duties and responsibilities
147 relevant to the impartial and effective enforcement of sections 105.450 to 105.496
148 and chapter 130, RSMo, as provided in sections 105.955 to 105.963, **and section**
149 **478.011, RSMo:**

150 (1) Receive and review complaints regarding alleged violation of sections
151 105.450 to 105.496 [and], chapter 130, RSMo, **and section 478.011, RSMo,**
152 conduct initial reviews and investigations regarding such complaints as provided
153 herein; refer complaints to appropriate prosecuting authorities and appropriate
154 disciplinary authorities along with recommendations for sanctions; and initiate
155 judicial proceedings as allowed by sections 105.955 to 105.963;

156 (2) Review and audit any reports and statements required by the
157 campaign finance disclosure laws contained in chapter 130, RSMo, and financial
158 interest disclosure laws or lobbyist registration and reporting laws as provided
159 by sections 105.470 to 105.492, for timeliness, accuracy and completeness of
160 content as provided in sections 105.955 to 105.963;

161 (3) Develop appropriate systems to file and maintain an index of all such

162 reports and statements to facilitate public access to such information, except as
163 may be limited by confidentiality requirements otherwise provided by law,
164 including cross-checking of information contained in such statements and
165 reports. The commission may enter into contracts with the appropriate filing
166 officers to effectuate such system. Such filing officers shall cooperate as
167 necessary with the commission as reasonable and necessary to effectuate such
168 purposes;

169 (4) Provide information and assistance to lobbyists, elected and appointed
170 officials, and employees of the state and political subdivisions in carrying out the
171 provisions of sections 105.450 to 105.496 [and], chapter 130, RSMo, **and section**
172 **478.011, RSMo**;

173 (5) Make recommendations to the governor and general assembly or any
174 state agency on the need for further legislation with respect to the ethical conduct
175 of public officials and employees and to advise state and local government in the
176 development of local government codes of ethics and methods of disclosing
177 conflicts of interest as the commission may deem appropriate to promote high
178 ethical standards among all elected and appointed officials or employees of the
179 state or any political subdivision thereof and lobbyists;

180 (6) Render advisory opinions as provided by this section;

181 (7) Promulgate rules relating to the provisions of sections 105.955 to
182 105.963 [and], chapter 130, RSMo, **and section 478.011, RSMo**. All rules and
183 regulations issued by the commission shall be prospective only in operation;

184 (8) Request and receive from the officials and entities identified in
185 subdivision (6) of section 105.450 designations of decision-making public servants.

186 15. In connection with such powers provided by sections 105.955 to
187 105.963 [and], chapter 130, RSMo, **and section 478.011, RSMo**, the commission
188 may:

189 (1) Subpoena witnesses and compel their attendance and
190 testimony. Subpoenas shall be served and enforced in the same manner provided
191 by section 536.077, RSMo;

192 (2) Administer oaths and affirmations;

193 (3) Take evidence and require by subpoena duces tecum the production of
194 books, papers, and other records relating to any matter being investigated or to
195 the performance of the commission's duties or exercise of its powers. Subpoenas
196 duces tecum shall be served and enforced in the same manner provided by section
197 536.077, RSMo;

198 (4) Employ such personnel, including legal counsel, and contract for
199 services including legal counsel, within the limits of its appropriation, as it deems
200 necessary provided such legal counsel, either employed or contracted, represents
201 the Missouri ethics commission before any state agency or before the courts at the
202 request of the Missouri ethics commission. Nothing in this section shall limit the
203 authority of the Missouri ethics commission as provided for in subsection 2 of
204 section 105.961; and

205 (5) Obtain information from any department, division or agency of the
206 state or any political subdivision reasonably calculated to lead to the discovery
207 of evidence which will reasonably assist the commission in carrying out the duties
208 prescribed in sections 105.955 to 105.963 [and], chapter 130, RSMo, **and section**
209 **478.011, RSMo.**

210 16. (1) Upon written request for an advisory opinion received by the
211 commission, and if the commission determines that the person requesting the
212 opinion would be directly affected by the application of law to the facts presented
213 by the requesting person, the commission shall issue a written opinion advising
214 the person who made the request, in response to the person's particular request,
215 regarding any issue that the commission can receive a complaint on pursuant to
216 section 105.957. The commission may decline to issue a written opinion by a vote
217 of four members and shall provide to the requesting person the reason for the
218 refusal in writing. The commission shall give an approximate time frame as to
219 when the written opinion shall be issued. Such advisory opinions shall be issued
220 no later than ninety days from the date of receipt by the commission. Such
221 requests and advisory opinions, deleting the name and identity of the requesting
222 person, shall be compiled and published by the commission on at least an annual
223 basis. Advisory opinions issued by the commission shall be maintained and made
224 available for public inspection and copying at the office of the commission during
225 normal business hours. Any advisory opinion or portion of an advisory opinion
226 rendered pursuant to this subsection shall be withdrawn by the commission if,
227 after hearing thereon, the joint committee on administrative rules finds that such
228 advisory opinion is beyond or contrary to the statutory authority of the
229 commission or is inconsistent with the legislative intent of any law enacted by the
230 general assembly, and after the general assembly, by concurrent resolution, votes
231 to adopt the findings and conclusions of the joint committee on administrative
232 rules. Any such concurrent resolution adopted by the general assembly shall be
233 published at length by the commission in its publication of advisory opinions of

234 the commission next following the adoption of such resolution, and a copy of such
235 concurrent resolution shall be maintained by the commission, along with the
236 withdrawn advisory opinion, in its public file of advisory opinions. The
237 commission shall also send a copy of such resolution to the person who originally
238 requested the withdrawn advisory opinion. Any advisory opinion issued by the
239 ethics commission shall act as legal direction to any person requesting such
240 opinion and no person shall be liable for relying on the opinion and it shall act
241 as a defense of justification against prosecution. An advisory opinion of the
242 commission shall not be withdrawn unless:

- 243 (a) The authorizing statute is declared unconstitutional;
244 (b) The opinion goes beyond the power authorized by statute; or
245 (c) The authorizing statute is changed to invalidate the opinion.
- 246 (2) Upon request, the attorney general shall give the attorney general's
247 opinion, without fee, to the commission, any elected official of the state or any
248 political subdivision, any member of the general assembly, or any director of any
249 department, division or agency of the state, upon any question of law regarding
250 the effect or application of sections 105.450 to 105.496, [or] chapter 130, RSMo,
251 **or section 478.011, RSMo.** Such opinion need be in writing only upon request
252 of such official, member or director, and in any event shall be rendered within
253 sixty days **following the date** that such request is delivered to the attorney
254 general.

255 17. The state auditor and the state auditor's duly authorized employees
256 who have taken the oath of confidentiality required by section 29.070, RSMo, may
257 audit the commission and in connection therewith may inspect materials relating
258 to the functions of the commission. Such audit shall include a determination of
259 whether appropriations were spent within the intent of the general assembly, but
260 shall not extend to review of any file or document pertaining to any particular
261 investigation, audit or review by the commission, an investigator or any staff or
262 person employed by the commission or under the supervision of the commission
263 or an investigator. The state auditor and any employee of the state auditor shall
264 not disclose the identity of any person who is or was the subject of an
265 investigation by the commission and whose identity is not public information as
266 provided by law.

267 18. From time to time but no more frequently than annually the
268 commission may request the officials and entities described in subdivision (6) of
269 section 105.450 to identify for the commission in writing those persons associated

270 with such office or entity which such office or entity has designated as a
271 decision-making public servant. Each office or entity delineated in subdivision
272 (6) of section 105.450 receiving such a request shall identify those so designated
273 within thirty days of the commission's request.

105.957. 1. The commission shall receive any complaints alleging
2 violation of the provisions of:

3 (1) The requirements imposed on lobbyists by sections 105.470 to 105.478;

4 (2) The financial interest disclosure requirements contained in sections
5 105.483 to 105.492;

6 (3) The campaign finance disclosure requirements contained in chapter
7 130, RSMo;

8 (4) Any code of conduct promulgated by any department, division or
9 agency of state government, or by state institutions of higher education, or by
10 executive order;

11 (5) The conflict of interest laws contained in sections 105.450 to 105.468
12 and section 171.181, RSMo; [and]

13 (6) **The prohibition against partisan activities for judicial**
14 **candidates as contained in section 478.011, RSMo; and**

15 (7) The provisions of the constitution or state statute or order, ordinance
16 or resolution of any political subdivision relating to the official conduct of officials
17 or employees of the state and political subdivisions.

18 2. Complaints filed with the commission shall be in writing and filed only
19 by a natural person. The complaint shall contain all facts known by the
20 complainant that have given rise to the complaint and the complaint shall be
21 sworn to, under penalty of perjury, by the complainant. No complaint shall be
22 investigated unless the complaint alleges facts which, if true, fall within the
23 jurisdiction of the commission. Within five days after receipt of a complaint by
24 the commission, a copy of the complaint, including the name of the complainant,
25 shall be delivered to the alleged violator.

26 3. No complaint shall be investigated which concerns alleged criminal
27 conduct which allegedly occurred previous to the period of time allowed by law for
28 criminal prosecution for such conduct. The commission may refuse to investigate
29 any conduct which is the subject of civil or criminal litigation. The commission,
30 its executive director or an investigator shall not investigate any complaint
31 concerning conduct which is not criminal in nature which occurred more than two
32 years prior to the date of the complaint. A complaint alleging misconduct on the

33 part of a candidate for public office, other than those alleging failure to file the
34 appropriate financial interest statements or campaign finance disclosure reports,
35 shall not be accepted by the commission within sixty days prior to the primary
36 election at which such candidate is running for office, and until after the general
37 election.

38 4. If the commission finds that any complaint is frivolous in nature or
39 finds no probable cause to believe that there has been a violation, the commission
40 shall dismiss the case. For purposes of this subsection, "frivolous" shall mean a
41 complaint clearly lacking any basis in fact or law. Any person who submits a
42 frivolous complaint shall be liable for actual and compensatory damages to the
43 alleged violator for holding the alleged violator before the public in a false light.
44 If the commission finds that a complaint is frivolous or that there is not probable
45 cause to believe there has been a violation, the commission shall issue a public
46 report to the complainant and the alleged violator stating with particularity its
47 reasons for dismissal of the complaint. Upon such issuance, the complaint and
48 all materials relating to the complaint shall be a public record as defined in
49 chapter 610, RSMo.

50 5. Complaints which allege violations as described in this section which
51 are filed with the commission shall be handled as provided by section 105.961.

478.010. 1. Except as provided in section 25 of article V of the
2 Constitution of Missouri, the circuit judges of the various judicial circuits shall
3 be elected at the general elections as herein provided and at the general election
4 every six years thereafter, and shall enter upon the duties of their office on the
5 first day in January next following their election; provided, however, that any
6 terms commencing in 1981 and 1983 shall commence on the first Monday in
7 January.

8 2. The circuit judge of judicial circuit number one shall be elected in 1980.

9 3. The circuit judge of judicial circuit number thirty-six shall be elected
10 in 1984.

11 4. The circuit judges of the remaining judicial circuits, except those
12 covered by sections 478.370 through 478.715, shall be elected in 1982.

13 5. **Except in circuits where circuit judges are selected under the**
14 **provisions of sections 25(a) to (g) of article V of the Constitution of**
15 **Missouri, beginning January 1, 2010, the circuit judges of the various**
16 **judicial circuits shall be elected at the primary election date, as**
17 **provided in section 115.121, RSMo, in the manner described in section**

18 478.011.

478.011. 1. All circuit, associate, and appellate judgeships in the
2 state of Missouri are hereby declared to be nonpartisan offices, and no
3 judge shall be identified by political party, including circuit judges
4 elected pursuant to subsection 1 of section 478.010, associate circuit
5 judges elected pursuant to subsection 3 of section 478.320, and all
6 judges appointed as provided in article V, sections 25(a) to (g) of the
7 Constitution of Missouri.

8 2. (1) All circuit and associate circuit judges who stand for
9 election pursuant to subsection 1 of section 478.010 and subsection 3 of
10 section 478.320 shall be elected without party designation, but shall be
11 designated as nonpartisan judicial candidates.

12 (2) The elections for judicial offices shall be held on the primary
13 election date, as provided in section 115.121, RSMo, and the names of
14 judicial candidates shall be included on all ballots in said election,
15 including each political party's primary ballots, but the judicial
16 candidates shall be designated as "nonpartisan".

17 (3) No voter shall be required to vote in a political party's
18 primary in order to vote for a judicial candidate.

19 (4) (a) No person shall be elected to a judicial office without
20 receiving a majority of the votes cast for that office.

21 (b) In any judicial election in which no person receives a
22 majority of the votes cast, the two candidates receiving the highest and
23 next highest number of votes shall be certified to a runoff election,
24 which shall be held on the next general election date, as provided in
25 section 115.121, RSMo.

26 (c) In any judicial runoff election, the names of the candidates
27 shall be placed on the same ballots as used for other candidates in the
28 general election, but each judicial candidate shall be designated as
29 "nonpartisan".

30 (d) The filing period for judicial candidates shall begin at 8:00
31 a.m. on the last Tuesday in February, and shall end at 5:00 p.m. on the
32 last Tuesday in March.

33 3. (1) Candidates for judicial office shall be nonpartisan and
34 shall not be affiliated, either directly or indirectly, with any political
35 party, and shall refrain from any and all partisan political activity.

36 (2) The prohibition on partisan activity by a judicial candidate

37 shall include but not be limited to the activities enumerated in this
38 subdivision. A judicial candidate shall not:

39 (a) Participate in any partisan political activities, except that
40 such candidate may vote in the political primary of the party of his or
41 her choice;

42 (b) Campaign as a member of any political party;

43 (c) Publicly represent or advertise himself or herself as a
44 member of a political party;

45 (d) Endorse any other candidate;

46 (e) Publicly state or advertise that the judicial candidate has
47 been endorsed by any other candidates or officials;

48 (f) Make political speeches other than those on the candidate's
49 own behalf;

50 (g) Accept contributions from any political party or other
51 candidates or their campaign organizations;

52 (h) Solicit contributions for any political party or other
53 candidate;

54 (i) Accept or retain a place on any political party committee or
55 organization;

56 (j) Make any contribution to any political party or candidate;

57 (k) Agree to pay the cost of any or part of any advertisement or
58 political activity with any other candidate, or take any action which
59 would communicate the existence of a relationship with any other
60 candidate or political party.

61 (3) A candidate for judicial office who violates any of the
62 provisions of this section shall be subject to sanction as determined by
63 the Missouri ethics commission.

64 4. The provisions of this section shall become effective on
65 January 1, 2010.

478.320. 1. In counties having a population of thirty thousand or less,
2 there shall be one associate circuit judge. In counties having a population of
3 more than thirty thousand and less than one hundred thousand, there shall be
4 two associate circuit judges. In counties having a population of one hundred
5 thousand or more, there shall be three associate circuit judges and one additional
6 associate circuit judge for each additional one hundred thousand inhabitants.

7 2. For purposes of this section, notwithstanding the provisions of section
8 1.100, RSMo, population of a county shall be determined on the basis of the last

9 previous decennial census of the United States; and, beginning after certification
10 of the year 2000 decennial census, on the basis of annual population estimates
11 prepared by the United States Bureau of the Census, provided that the number
12 of associate circuit judge positions in a county shall be adjusted only after
13 population estimates for three consecutive years indicate population change in
14 the county to a level provided by subsection 1 of this section.

15 3. Except in circuits where associate circuit judges are selected under the
16 provisions of sections 25(a) to (g) of article V of the Constitution[, the election]
17 of **Missouri, beginning January 1, 2010**, associate circuit judges shall [in all
18 respects be conducted as other elections and the returns made as for other
19 officers] **be elected at the primary election date, as provided in section**
20 **115.1221, RSMo, in the manner described in section 478.011.**

21 4. In counties not subject to sections 25(a) to (g) of article V of the
22 constitution, associate circuit judges shall be elected by the county at large.

23 5. No associate circuit judge shall practice law, or do a law business, nor
24 shall he accept, during his term of office, any public appointment for which he
25 receives compensation for his services.

26 6. No person shall be elected as an associate circuit judge unless he has
27 resided in the county for which he is to be elected at least one year prior to the
28 date of his election; provided that, a person who is appointed by the governor to
29 fill a vacancy may file for election and be elected notwithstanding the provisions
30 of this subsection.

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